

## UNITED STATES DISTRICT COURT, DISTRICT OF NEW MEXICO

## SENTENCING MINUTE SHEET

CR No.	12-1679			USA vs.	Mata			
Date:	3/22/13			Name of Deft:	Juan Pablo Mata			
Before the Honorable		James O. Browning						
Time In/Out:	11:28 a.m./12:27 p.m.			Total Time in Court:	:59			
Clerk:	K'Aun Wild			Court Reporter:	Danna Everett			
AUSA:	Louis Valencia			Defendant's Counsel:	Santiago Juarez (Retained)			
Sentencing in:	ABQ			Interpreter:	N/A			
Probation Officer:	Tina Parde			Sworn?	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Convicted on:	<input checked="" type="checkbox"/>	Plea	<input type="checkbox"/>	Verdict	As to:	<input type="checkbox"/>	Information	<input checked="" type="checkbox"/> Indictment
Plea:	<input type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	Adjudged/Found Guilty on Counts:			
Plea Agreement:	<input checked="" type="checkbox"/>	Accepted	<input type="checkbox"/>	Not Accepted	No Plea Agreement	Comments:		
Date of Plea/Verdict:	October 1, 2012			PSR:	<input checked="" type="checkbox"/>	Not Disputed	<input type="checkbox"/>	Disputed
PSR:	<input checked="" type="checkbox"/>	Court Reviewed PSR Factual Findings and USSG Calculations and Adopts as Its Own			Evidentiary Hearing:	<input checked="" type="checkbox"/>	Not Needed	<input type="checkbox"/> Needed
Exceptions to PSR:	None							
SENTENCE IMPOSED				Imprisonment (BOP): 22 months (21 months as to Indictment; 1 month pursuant to 18 U.S.C. 3147 and U.S.S.G. 3C1.3)				
Supervised Release:	2 years			Probation:				500-Hour Drug Program
SPECIAL CONDITIONS OF SUPERVISION								
<input type="checkbox"/>	No re-entry without legal authorization			<input type="checkbox"/>	Home confinement for _____ months _____ days			
<input checked="" type="checkbox"/>	Comply with ICE laws and regulations			<input type="checkbox"/>	Community service for _____ months _____ days			
<input type="checkbox"/>	ICE to begin removal immediately or during sentence			<input type="checkbox"/>	Reside halfway house _____ months _____ days			
<input checked="" type="checkbox"/>	Participate in outpatient substance abuse program			<input type="checkbox"/>	Register as sex offender			
<input checked="" type="checkbox"/>	Participate in outpatient mental health program			<input type="checkbox"/>	Participate in sex offender treatment program			
<input checked="" type="checkbox"/>	No alcohol or other forms of intoxicants			<input type="checkbox"/>	Possess no sexual material			

<input checked="" type="checkbox"/>	Submit to search of person/property		No computer with access to online services		
	No contact with victim(s) and/or co-Defendant(s)		No contact with children under 18 years		
	No entering, or loitering near, victim's		No volunteering where children supervised		
	Provide financial information		Restricted from occupation with access to		
	Grant limited waiver of confidentiality		No loitering within 100 feet of school yards		
	OTHER:				
Fine: \$		0.00	Restitution: \$		0.00
SPA: \$		100.00 (\$100 as to each Count)	Payment Schedule:		<input checked="" type="checkbox"/> Due Immediately <input type="checkbox"/> Waived
OTHER:		Consistent with a stipulation in the Plea Agreement, the Defendant forfeits his rights, title and interest to the Century International Arms rifle, bearing serial number M70AB21160, as contained in paragraph 12 of the Plea Agreement.			
<input checked="" type="checkbox"/>	Advised of Right to Appeal	<input checked="" type="checkbox"/>	Waived Appeal Rights per Plea Agreement		
<input checked="" type="checkbox"/>	Held in Custody		Voluntary Surrender		
<input checked="" type="checkbox"/>	Recommended place(s) of incarceration:	Court recommends closest appropriate FMC to New Mexico, if eligible.			
	Dismissed Counts:				
OTHER COMMENTS		<p>Court confirms Defendant has objection to PSR as to 3-level enhancement for being on release at time of offense; defense counsel confirms and informs will argue in context of variance; Court overrules objection to PSR re: same. 11:30 a.m. Defense counsel argues in support of motion for downward departure as to coercion and duress; 11:38 a.m. AUSA argues in response in opposition to motion re: same; 11:39 a.m. Defense counsel argues further in support of motion re: same; 11:41 a.m. Court denies motion re: same. Court provides disclosures regarding Victor A. Titus and Officer Browning. Defense counsel addresses Court – argues in support of request for downward variance. 11:59 a.m. Defendant allocutes. AUSA tenders written motion and proposed form of order for third level reduction based on acceptance; Court grants/signs. 12:01 p.m. AUSA addresses Court. USPO responds to Court's inquiry re: enhancement and USSG requirements as to application of same. Court accepts plea agreement. Court varies equivalent of 4 offense levels. Court provides findings to support imposition of special conditions. Defense counsel requests recommendation to FMC closest to New Mexico; USPO informs recommendation to same would be appropriate; Court will recommend same.</p>			